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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,046	06/28/2001	Kenneth McClure	873.0010.USU	5507

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EXAMINER

GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,046

Applicant(s)

MCCLURE, KENNETH

Examiner

Jean A Gelin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6-10, 11, 16-20, 21-23, 25, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Tada et al. (US 6,662,105).

Regarding to claims 1, 11, 21, and 26 Tada teaches a method for operating a wireless communication system, comprising: determining a location of a mobile station (i.e., position calculation section 12a, col. 6, lines 59-61); comparing the location to information that is descriptive of a map that is stored in the mobile station (col. 6, lines 61-66); and deriving at least one system selection parameter from the mobile station's location relative to the map (col. 1, lines 40-44, col. 2, lines 3-31).

Regarding claims 6, 16, Tada teaches wherein the system selection parameter is used to select a non-public system (corresponding to information center, col. 7, lines 18-55).

Regarding claims 7, 17, Tada teaches wherein the determination of the location of the mobile station is performed by the mobile station without assistance from a network operator (col. 3, lines 10-15).

Regarding claims 8, 9, 18, and 19, Tada teaches wherein the determination of the location of the mobile station is performed by the mobile station with assistance from a network operator (col. 2, lines 3-19).

Regarding claims 10, 20, 22, and 25, Tada teaches wherein the map is downloaded from a network operator to a memory of the mobile station (col. 4, lines 18-44).

Regarding claim 23, Tada teaches wherein there are a hierarchy of maps, where a map that is lower in the hierarchy provides more a detailed system selection parameter than a map higher in the hierarchy (setting condition for map priority, col. 8, line 57 to col. 9, line 42).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 12-15, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tada et al. (US 6,662,105) in view of Dennisson et al. (US 6,324,404).

Regarding claims 2, 3, 12, 13, and 24, Tada teaches all the limitations above except wherein the system selection parameter is comprised of a band of frequencies or

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a frequency channel within which the mobile station may obtain access to a desired system.

However, the preceding limitation is known in the art of communications.

Dennisson teaches selecting desired frequency band to establish communication based on the exact geographic location of the mobile communication device (col. 12, line 50 to col. 13, line 20 and col.16, lines 1-33). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the technique of Dennisson within the system of Tada in order to encompass the switching of a dual frequency phone to a second frequency based on exact geographic location of the mobile device; thus, user who wants PCS for his communication device in the city is able to roam out of PCS territory into cellular territory.

Regarding claims 4, 14, the claim is interpreted and rejected for the same reason as set forth in the rejection of claims 2 and 3 above.

Regarding claims 5, 15, Tada teaches all the limitations above except wherein the system selection parameter is used to select a public system (corresponding to emergency system).

However, the preceding limitation is known in the art of communications.

Dennisson teaches routing the emergency call based on the exact location geographic of the mobile communication device (col. 12, lines 15-50). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to implement the technique of Dennisson within the system of Tada in order that the

emergency response personnel can send someone more rapidly to rescue the caller of an emergency call.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kawamoto (US 6,314,295) teaches transmitting map data corresponding to the present position of the portable terminal.

Tzidon et al. (US 6,127,946) teaches method of selecting an optimal communication channel.

Dunn et al. (US 6,591,103) teaches providing user's carrier selection in overlapping heterogeneous networks.

Myers et al. (US 6,618,594) teaches over the air user zone assignment for wireless telephony systems.

Raith (US 6,625,457) teaches mobile terminal with location database.

Reynolds (US 5,677,837) teaches dial a destination system.

Parl et al. (US 5,883,598) teaches position location system and method.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (703) 305-4847. The examiner can normally be reached on 9:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika A Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin
April 4, 2004

JEAN GELIN
PATENT EXAMINER

Jean Allard Gelin